REMARKS

Claims 1-6, 8-16, and 18-22 are pending in the application. Claims 1-6, 8-16, and 18-22 are being amended.

All outstanding requirements will now be addressed in the order they appear in the Office Action mailed February 7, 2008.

Claim Rejections - 35 USC § 112

1-3. Claims 1-6, 8-16, 18-20 and 22 stand rejected under 35 U.S.C. 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully request withdrawal of the rejections over the claims as amended.

Claim Rejections - 35 USC § 103

4-17. Claims 1-6, 8-16, and 18-22 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over "A Description of the DOS File System" by Philip J. Erdelsky ("Erdelsky".) Applicants have added limitations to claim 1 to distinguish from prior art. At least the following three limitations constitute an improvement with regard to the prior art:

- *"the size of the logically separated blocks (2), of the first integration level, is constant"* - Erdelsky teaches away from this since cluster's size varies, depending on the capacity of a hard disk;

- *"the partition comprises at least two blocks of a second integration (3) level each comprising one or more blocks of the first integration level"* - Erdelsky does not teach of any logical blocks larger than a cluster and smaller than a partition; and

- *"the device comprises integration means for integrating the sectors (1), into blocks of the first and the second integration levels, in a recurrent manner, until the integration covers the whole area of the partition."* - given the first two differences, an integration means is needed in order to divide the storage space recurrently, hence forming integration blocks of different integration levels.

In addition, the claim has been amended by replacing a boarder term of "logically separated smallest areas: with a narrower term "sector". This amendment is supported with reference to Fig. 1 and its description. This amendment overcomes the rejection where one could treat bits or bytes as logically separated smallest areas, as the Examiner pointed out in the second office action. In such a case clusters, according to the cited prior art, form the first integration level and no additional integration levels are disclosed in the prior art, which are above the cluster level and below the partition level. Support for said changes can be found on page 2 last paragraph through page 3, second paragraph, and on page 3, last paragraph through page 4, first paragraph of the specification as originally filed (corresponding to paragraphs [0016], [0017] and [0021] of the specification as published on May 19, 2005).

Given the aforementioned differences between the claimed subject matter and prior art, Applicants submit that the amended independent claim 1 is non-obvious.

Furthermore, claim 2 has been amended to include the limitation of gigaclusters defined at the third integration level. This amendment is supported on page 3, paragraph 4 of the specification as originally filed (corresponding to paragraph [0019] of the specification as published on May 19, 2005).

In the Office Action of June 18, 2007, the Examiner states that the word "bits" in the dependent claims 3 and 13 should be changes to "bytes". Applicants clarify that typically a sector has 512 bytes, which when multiplied by 8 gives the number of 4096 that is treated as a sectors count of a cluster in the exemplary embodiment. Should the sector size, given in bytes, change, the cluster count will change respectively. This is supported on page 3, last paragraph through page 4, first paragraph of the specification as originally filed (corresponding to paragraph [0021] of the specification as published on May 19, 2005).

Claim 11 has been amended to include limitation which distinguish from prior art. At least the following three limitations constitute an improvement with regard to the prior art:

- *"defining the size of the logically separated blocks (2) of the first integration level as constant"* - Erdelsky teaches away from this since cluster's size varies depending on the capacity of a hard disk;

- *"dividing the partition into at least two blocks of a second integration (3) level each*

comprising one or more blocks of the first integration level (2)" - Erdelsky does not teach of any logical blocks larger than a cluster and smaller than a partition; and

- *"integrating the sectors (1), into blocks of the first and the second integration levels, in a recurrent manner, until the integration covers the whole area of the partition"* - given the first two differences, an integration means is needed in order to divide the storage space recurrently, hence forming integration blocks of different integration levels.

Support for said changes can be found on page 2 last paragraph through page 3, second paragraph, and on page 3, last paragraph through page 4, first paragraph of the specification as originally filed (corresponding to paragraphs [0016], [0017] and [0021] of the specification as published on May 19, 2005).

CONCLUSION

Entry of the claim amendments is respectfully requested. In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 503182**.

Customer Number: **33,794**

Respectfully Submitted,

/Matthias Scholl/

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